



2025:DHC:1447-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **LPA 137/2025 & CM APPLs. 11294-11295/2025****YASHVARDHAN CHAUHAN**

.....Appellant

Through: Mr. Pritish Sabharwal with Ms.
Shweta Singh and Mr. Sharad
Pandey, Advocates.

versus

UNIVERSITY OF DELHI & ANR.

.....Respondents

Through: Mr. Mohinder J.S. Rupal with Mr.
Hardik Rupal, Ms. Aishwarya
Malhotra, Mr. Neetish Panchauri,
Advocates for R/University of Delhi.

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Date of Decision: 3rd March, 2025**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGEMENT****TUSHAR RAO GEDELA, J: (ORAL)**

1. Present appeal has been preferred under Clause X of Letters Patent assailing the judgement dated 11.02.2025 passed in W.P.(C) 82/2025 titled "*Yashvardhan Chawdhary vs. University of Delhi & Anr.*", whereby the learned Single Judge has dismissed the writ petition filed on behalf of the appellant seeking permission to appear in the examination of 3rd Semester of LLB.

2. Appellant claims to be presently enrolled as student in the 3rd Semester at the Faculty of Law, University of Delhi, in Bachelor of Laws (L.L.B). The respondent no.2/Faculty of Law released a list of detainees on 04.01.2025, notifying all the students who were unable to meet the minimum



attendance criteria of 70% set by the college authorities, wherein the name of the appellant was mentioned. Although the appellant was issued an Admit Card and was allowed to sit for 4 out of 5 examinations, he was denied progression to the next semester due to an incorrect assessment of his attendance. Aggrieved by the same, the appellant filed the underlying writ petition seeking permission to appear in the examination. However, the learned Single Judge dismissed the underlying writ petition of similarly situated students including the appellant.

3. At the outset, it was brought to the knowledge of the learned counsel appearing for the appellants that this Court, *vide* the judgement dated 21.02.2025 in **LPA 132/2025** captioned **Ananya Bansal vs. Delhi University & Ors.; Neutral Citation No. 2025:DHC:1197-DB** had, while dismissing the appeal filed by a similarly situated appellant seeking prayers of similar nature, upheld the judgement impugned in the present appeals. On that score, learned counsel for the appellant herein, submits that there are additional grounds which have been overlooked by the learned Single Judge and would need consideration by this Court.

4. Mr. Pritish Sabharwal, learned counsel appearing for the appellant additionally submits that the appellant also could not attend classes on account of a medical emergency for which the appellant had to undergo treatment. He refers to page 115 of the appeal to submit that the appellant had been diagnosed to be suffering from “pilonidal sinus” on 18.06.2024 and had undergone treatment for the said medical ailment. He also relies upon the additional medical documents in respect of the aforesaid ailment which were handed over the Bench during the hearing. The said documents are taken on record. By referring to these medical documents, learned counsel



seeks to impress upon this Court that the appellant was undergoing treatment for a large period of time in the said semester on account of which the appellant may have not been able to attend the classes regularly. He contends that the respondent/university ought to have taken the medical condition of the appellant sympathetically and applied the appropriate provisions of the attendance rules to relax the mandatory condition of 70% attendance in classes. He submits that having neither followed the prescribed procedure nor the mandate of the provisions of the rules, there is a stark infraction of the rights available with the appellant based whereon the underlying writ petition ought to have been allowed.

5. He further submitted that Clause 12(a) of Ordinance VII, Delhi University provides that if a student of I/III/V semester does not fulfill the required attendance, but has not less than 40% of attendance, the Principal of the College may allow the student to appear in the examinations by giving an undertaking that he shall make up for the deficiency of attendance in the next semester.

6. We have heard learned counsel for the appellant and closely examined the detailed judgment of the learned Single Judge and are not persuaded by the submissions urged on behalf of the appellant.

7. Though the argument of learned counsel for the appellant in respect of the medical ailment stated to be afflicting the appellant on account whereof he was unable to attend classes is concerned, the same appears to be attractive, however, on a closer scrutiny is unmerited. The entire set of medical documents does not reflect any surgery or hospitalization or other medical intervention on account of which the appellant was unable to attend the classes. That apart, nothing has been placed on record either before this



Court or in the underlying writ petition to demonstrate that the appellant had indeed invoked provisions of Ordinance VII or Rule 8(a) of the Attendance Rules of the Faculty of Law and filed an application in terms thereof before the competent authority of the respondent/university, seeking relaxation of attendance. In the absence of such foundational fact, we are unable to appreciate as to how the university or the learned Single Judge would have considered application of such rule. In any case the appellant herein had only placed the OPD card dated 18.06.2024 issued by CGHS Medical Centre on record without any other supporting or demonstrable document. The medical documents though purportedly filed before this Court cannot be taken into consideration in view of the fact that the same were not placed before the competent authorities of the respondent/university at the relevant time to take a call on the relaxation under the applicable rule. Thus, we do not find the said submission persuasive and is accordingly rejected.

8. So far as the argument predicated on violation of Clause 12(a) of Ordinance VII is concerned, the same does not hold good in the facts of the cases. The fact that the rules mandate 70% attendance for being eligible to participate in the particular semester examination is concerned, undeniably the students are aware of such requirement. The stipulation of furnishing information regarding the attendance or shortfall in such attendance may be well meaning, it is not as if the student who is attending classes is either completely unaware or has no means to get relevant information from the respondent/university and its authorities. Thus, even if this Court were to agree with the aforementioned submission, the same would not enure to the benefit of the appellant to the extent of overturning the impugned judgment. Therefore, the said submission too, is unmerited.



9. Additionally, we note that, while referring to the judgment of a Division Bench of this Court in **Guru Gobind Singh Indraprastha University vs. Naincy Sagar; 2019 SCC OnLine Del 11169**, learned Single Judge in para 30 has succinctly articulated the extent to which the relief under the extraordinary jurisdiction conferred by Article 226 of the Constitution of India can be availed of Para 30 reads thus:

“30.The Division Bench of this Court has very lucidly explained the importance of attendance in a professional course i.e., an L.L.B course. The petitioners have sought relief by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. However, given their own lack of diligence in adhering to the prescribed academic discipline, allowing such a remedy would set a wrong precedent by effectively rewarding non-compliance. It is essential to maintain the integrity of the L.L.B. professional course and to ensure that students who abide by the rules are not prejudiced by a retroactive relaxation of discipline. Power under Article 226 is not a tool for granting relief in situations where there has been a manifest disregard of discipline by the students themselves. To permit such an invocation would not only undermine the integrity of the professional course but also prejudice those students who diligently observe their academic responsibilities.”

10. This Court in **Ananya Bansal (supra)** which was on a similar challenge to the same impugned order, had repelled the arguments of the appellant therein as under:

“8. While concurring with the reasoning rendered by learned Single Judge, we too are of the considered opinion that the students pursuing such professional degree courses must pursue the said courses with all seriousness and due diligence. There could be exceptions to such rigidity, which in all probability must be prescribed in the rules itself. Ordinarily, the shortage in attendance ought not to be otherwise condoned for the mere asking, unless, some urgent or unavoidable circumstances like medical emergencies etc., intervene. In the present case, no such exception has been narrated.”



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11. In view of the above, we do not find any merit in the appeal and the same is dismissed without any orders as to cost.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MARCH 3, 2025/kct/rl